

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14920 of John A. Booker, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 to change a nonconforming use from a retail beverage store to retail beverage/food products, cigarettes, pre-packaged foods and delicatessen - no seating, on the first floor in an SP-2 District at premises 1216 13th Street, N.W., (Square 245, Lot 821).

HEARING DATE: January 11, 1989
DECISION DATE: January 11, 1989 (Bench Decision)

SUMMARY ORDER

The application was originally advertised as a special exception under Section 3108 and 2003, or in the alternative, a variance from the use provisions of Sub-section 501.1 to allow the sale of retail beverages/food products, cigarettes, pre-packaged foods, and a delicatessen no seating on the first floor pursuant to 11 DCMR 3107.2.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 2C and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 2C. ANC 2C, which is automatically a party to the application, by letter dated January 10, 1988, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 2003. No person or entity appeared at the public hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the relief requested under 11 DCMR 3107.2 and 501.1 is not needed. The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without

substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS.
2. The number of employees shall not exceed three.
3. Trash pick-up shall occur a minimum of twice per week.
4. The hours of operation shall not exceed from 10 A.M. to 9 P.M., Monday through Saturday.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle Taylor Bennett and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JAN 19 1989

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.